

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,

Plaintiff,

vs.

Case No. 1:21-cr-00237

Delmar Wilson,

Defendant.

**ORDER DENYING MOTIONS TO COMPEL AND
MOTION TO APPOINT COUNSEL**

[¶ 1] THIS MATTER comes before the Court on a Motion to Compel filed by the Defendant on November 4, 2024. Doc. No. 59. For the reasons set forth below, the Motions to Compel and Motion to Appoint Counsel are **DENIED**.

[¶ 2] On March 10, 2023, pursuant to a Plea Agreement, the Defendant was sentenced to 45 months in the custody of the Federal Bureau of Prisons. Doc. No. 48. While incarcerated, Defendant has had some difficulty communicating with the Three Affiliated Tribes concerning tribal charges and some records kept by the Bureau of Prisons. Doc. No. 59.

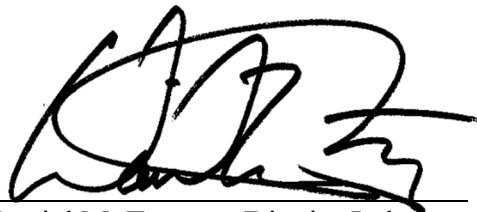
[¶ 3] The Defendant moves for the Court to compel the Tribes to respond to his letters and the Bureau of Prisons to refile release paperwork and release him. Id. The Defendant cites to several legal authorities in his Motion: 2010 Trial Law and Order Act, the Indian Civil Rights Act, and Wetsit v. Stafne, 44 F.3d 823 (9th Cir. 1995). Id. Unfortunately, none of these authorities gives this Court the jurisdiction to compel the Tribes or the Bureau of Prisons. See Leekley-Winslow v. Fairview Health Servs., No. 19-cv-587, 2019 WL 3371133, at *2 (D. Minn. July 26, 2019).

[¶ 4] The Defendant also asks for the appointment of counsel, without citing any legal authority entitling him to counsel. Doc. No. 59. While this Motion concerns records for his criminal case, the motion is in essence civil and “[t]here is no statutory or constitutional right to appointed counsel in [civil] cases.” LeFever v. Dawson Cnty. Sheriff’s Dep’t, 109 F.4th 1100, 1112 (8th Cir. 2024). Even if this motion fell under the criminal case, the Sixth Amendment entitles counsel only at “critical stage” proceedings. Montejo v. Louisiana, 556 U.S. 778, 786 (2009). The Defendant is not currently facing any qualifying proceeding.

[¶ 5] For the reasons set forth above, Defendant’s Motion to Compel and Appoint Counsel (Doc. No. 59) are **DENIED**.

[¶ 6] **IT IS SO ORDERED.**

DATED November 5, 2024.

A handwritten signature in black ink, appearing to read 'D. Traynor', written over a horizontal line.

Daniel M. Traynor, District Judge
United States District Court